

Serial No. 09/955,288
Amendment Dated January 23, 2004
Reply to Office Action of October 24, 2003

Docket No. LGS/S-0030A

REMARKS/ARGUMENTS

Claims 1-4, 12-19, 21-24, 26 and 28-40 are pending in this application. By this Amendment, claims 11, 20, 25 and 27 are cancelled without prejudice or disclaimer, claims 1, 12, 15, 23 and 24 are amended and claims 39 and 40 are added. Support for new claims 39 and 40 can be found in the specification including the original claims and figures, for example, see claims 26 and 17, respectively. Reconsideration in view of the above amendments and following remarks is respectfully requested.

Entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments:

- (1) place the application in condition for allowance (for the reasons discussed herein); and/or
- (2) do not raise any new issues requiring further search and/or consideration (since the amendments merely incorporate allowable dependent claims or place allowable dependent claims into independent claim form to expedite prosecution and prompt allowance, or satisfy a requirement of form asserted in the previous Office Action (for claim 24)). Entry is thus requested.

Applicant gratefully acknowledges the Office Action's indications that claims 12, 14, 17, 19, 23-27 and 30-38 define patentable subject matter. However, Applicant respectfully submits that all pending claims are in condition for allowance.

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A. Objections

The Office Action objects to claims 11, 12, 20 and 23. Applicant respectfully submits that the above amendments obviate the grounds for the objection. Specifically, claim 11 and claim 20 have been cancelled without prejudice or disclaimer and claims 12 and 23 have been corrected as to dependency. Applicant submits that the above amendments are made merely for expediting prosecution. Withdrawal of the objection is respectfully requested.

B. 35 U.S.C. §112, second paragraph

The Office Action rejects claims 24, 27 and 30-34 under 35 U.S.C. §112, second paragraph. Applicant respectfully submits that the above amendments obviate the grounds for the rejection. Withdrawal of the rejection is respectfully requested.

C. 35 U.S.C. §102(e)

The Office Action rejects claims 1-4, 11, 13, 18, 21 and 22 under 35 U.S.C. §102(e) over Farrenkoph et al. (U.S. Patent No. 5,899,714). The rejection is respectfully traversed.

With respect to claim 1, Applicant respectfully submits that the subject matter indicated to be allowable in claim 27 is incorporated into claim 1 for the sole purpose of expediting the prosecution and therefore, claim 1 defines patentable subject matter. Claims 2-4 and 13 depend

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from claim 1, and are allowable for at least the same reasons, as well as their added features and combinations thereof.

With respect to claims 18, 21 and 22, which depend from claim 15, Applicant respectfully submits that the subject matter indicated to be allowable in claim 25 is incorporated into claim 15 for the sole purpose of expediting prosecution and therefore, claim 15 defines patentable subject matter. Claims 18, 21 and 22 depend from claim 15, and are allowable for at least the same reasons, as well as their added features and the combinations thereof. As such, withdrawal of the rejection is respectfully requested.

D. 35 U.S.C. §103(a)

The Office Action rejects claims 1, 11, 15-16, 20-21 and 29 under 35 U.S.C. §103(a) over Applicant's submitted related art in view of Bulucea et al. (U.S. Patent No. 5,441,900). The rejection is respectfully traversed.

As mentioned above, claims 1 and 15 are allowable. Claim 11 has been cancelled without prejudice or disclaimer. Claims 16, 20-21 and 29 depend from claim 15 and are allowable for at least the same reasons, as well as their added features and the combinations thereof. Therefore, claims 1, 15-16, 20-21 and 29 are allowable. Withdrawal of the rejection is respectfully requested.

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E. **New Claims 39 and 40**

By this Amendment, claims 39 and 40 are added to this application. Claim 39 corresponds to original claims 1 and 26 and new claim 40 corresponds to claims 15 and 17. As these new claims merely correspond to claims 26 and 17 re-written in independent form including all of the limitations of the base claim and any intervening claims, for the purposes of expediting prosecution, Applicant respectfully submits that these claims should be properly added and all pending claims are in condition for allowance.

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CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Laura L. Lee, at the telephone number listed below. Favorable consideration and prompt allowance are earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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Date: January 23, 2004

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